



**TOWN OF KILLINGLY, CT
PLANNING AND ZONING COMMISSION**

MONDAY – MARCH 28, 2022
SPECIAL MEETING - WORKSHOP
6:00 PM

RECEIVED
TOWN CLERK, KILLINGLY, CT

2022 MAR 24 AM 9:48

Elizabeth M. Wilson

TOWN MEETING ROOM – 2ND FLOOR
Killingly Town Hall
172 Main Street
Killingly, CT

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON
OR THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

AGENDA

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO www.killinglyct.gov AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

- I. **CALL TO ORDER/ROLL CALL**
- II. **SEATING OF ALTERNATES**
- III. **AGENDA ADDENDUM**
- IV. **NEW BUSINESS – (review/discussion/action)**
 - 1) **Zoning Regulation Change** – re: garages, storage facilities – proposed change to regulations
 - 2) **Five Mile River Overlay District** – proposed change to regulations
 - 3) **Cannabis Zoning Regulations** – proposed draft of regulations, schedule for receipt
 - 4) **Town of Killingly Policy for Sale of Town Land** – proposed update of policy
- V. **ADJOURNMENT**

SECT IV. #1

STAND ALONE GARAGES

NOTE: to be added to Rural Development and Low-Density Zones Only.

Stand Alone Garage:

- 1) A site-plan application is required, as well as a zoning permit and building permit.
- 2) The structure is to be used by the property owner only for their personal use.
- 3) The total square footage of the structure shall not exceed 1,000 square feet.
- 4) The structure must meet all the set-back requirements of the underlying zone.
- 5) The structure may be used for personal storage, or for any use allowed under Section 595 Home Occupations of the Town of Killingly Zoning Regulations.

(Note: #4 above would require the PZC to update some of the requirements of Section 595.)

Section 595. Home Occupations

The purpose of "Home Occupations" is to permit the conduct of a business for income purposes in a residential district while ensuring that the residential character of said district is maintained and preserved.

595.1 Home occupations are permitted accessory uses in Rural Development and Low Density Residential zones only so long as all the following conditions and requirements are observed.


- A. The occupation is operated entirely within the confines of the dwelling by the occupant of such dwelling, except as provided in Section 595.2.
- B. Storage and display of any materials and/or products shall not be permitted on the premises outside of the dwelling unit.
- C. The occupation shall be clearly secondary to the residential use of the dwelling.
- D. Such occupation shall not occupy more than a total of 1,000 square feet of floor area.
- E. No more than two nonresident employees shall be employed on the premises.
- F. Such occupation shall not change the residential character of the dwelling in any visible manner.
- G. Such occupation shall not create objectionable noise, smoke, odor, toxic fumes, waste products, vibration or unsightly conditions that would set the dwelling apart in its surroundings or degrade residential property in the neighborhood.
- H. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- I. Such occupation shall not create interference with radio or television reception in the neighborhood.
- J. Off street parking shall be provided at a rate of one space for each employee. Where on-site sales are intended, there shall be customer parking at the rate of one space for each 200 square feet of floor area (or portion thereof) devoted to the use.

- K. Articles sold on the premises as part of said home occupation shall only be the product for which the permit is issued.
- L. Such occupation shall comply with all applicable state and federal regulations.
- M. All alterations to the dwelling must be approved by the Killingly Building Official.

595.2 The Commission may, by Special Permit, permit the conduct of a home occupation outside the confines of the dwelling if it determines that the occupation will otherwise meet all conditions of 595.1 A through M

595.3 All home occupations operated within the confines of a dwelling must be authorized by a zoning permit issued by the Zoning Enforcement Officer .

Both zoning permits and special permits granted under the above provisions allow the home occupation use for a two (2) year period. Applications for zoning and special permit renewal must be applied for two (2) months prior to their expiration.

DO NOT HAVE TO RENEW UNLESS COMPLAINTS HAVE BEEN RECEIVED. PER L.E.W. (10/14/2010). 

Cannabis Establishment

Add Section xxx.x.x under Special Permitted Uses in the Borough Central Business District, Borough General Commercial, Business Park, General Commercial, Light Industrial, Industrial, Mill Mixed Use and Mixed-Use Interchange Zones.

x. Cannabis Establishment

The purpose of these Zoning Regulation is to regulate the location and operation of cannabis sales, cultivation, or production in accordance with SB 1201 – An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis and Connecticut General Statue 420f – Palliative Use of Marijuana, as amended from time to time.

1. Separation requirements
 - a. The cannabis establishment shall not be within a five hundred (500) foot radius of any part of any building or structure used for the purpose of a school, house of worship, library, public playground, Town parks and recreation facilities, daycare centers/nurseries, municipal building, or Board of Education facility open to the public, as measured from entrance of the above use (for parks or similar outdoor uses it is from the property line) to the entrance of the proposed cannabis establishment.
 - b. A two hundred (200') foot buffer zone shall be required when abutting a residential district, as measured from the property line.
2. The application must include the following:
 - a. The map identifying all the locations of all above referenced uses within five hundred (500') feet of the proposed cannabis establishment.
 - b. Noise abatement methods used, if necessary.
 - c. Odor controls used, if necessary.
 - d. Security methods implemented.
 - e. Water consumption estimates and handling of wastewaters.
 - f. Exterior lighting and signage; all exterior lighting shall be night sky compliant.
 - g. Emergency power; location of generators, if necessary.
3. No cannabis establishment shall be allowed within the same building, structure, or portion thereof that is used for residential purposes. In the mixed use zones the cannabis establishment should be in a separate building from any residential uses on that property.
4. All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft, or loss of cannabis, utilizing commercial grade equipment meeting at least the minimum requirements of the Department of Consumer Protection Title 21a – Consumer Protection Section 21a-408-62.
5. The production and/or storage of cannabis shall be conducted indoors.
6. Hours of operation for any retail component, shall be limited to between 9 am to 9 pm, Monday through Saturday and between 10 am to 6 pm, Sunday.
7. Copy of all State Permitting must be on file with the Town of Killingly Planning Office and displayed within the Cannabis Establishment.

Disclaimer: Marijuana, whether medical or recreational, continues to be listed on Schedule I of the U.S. Controlled Substances Act (CSA) and is therefore still illegal under federal law. Any applications for cannabis dispensaries and/or production facilities are done under SB1201 and Connecticut General Statute 420f and at total risk of the applicant.

Definitions add for purpose of this regulation

Cannabis – Marijuana as defined in Section 21a-240, CGS.

Cannabis Establishment – Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

Cultivator – A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand (15,000) square feet of grow space.

Delivery Service – A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers, and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers, and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

Dispensary Facility – Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

Food and Beverage Manufacturer – A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

Hybrid Retailer – A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Micro-cultivator – A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand (2,000) square feet and not more than ten thousand (10,000) square feet of grow space, prior to any expansion authorized by the commissioner.

Person – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

Product Manufacturer – A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

Produce Packager – A person that is licensed to package and label cannabis and cannabis products.

Producer – Grows cannabis for medicinal use.

Retailer – A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

Transporter – Means a person licensed to transport cannabis between cannabis establishments, laboratories, and research programs.

Add Definition to Section 310

School – Any building or part thereof or accessory facilities there to which is designed and constructed to provide full time instruction and education, associated with a program of study which meets the requirements of the educational laws of the State of Connecticut. Includes public, private, charter, and parochial schools, at the primary (day-care & kindergarten), elementary, middle school and high school levels; excludes home schools. For the purposes of these regulations home schools are still considered a private residence.

*****Notes*****

Another consideration is for a cannabis establishment that is exclusively an indoor grow facility, be allowed by Special Permit in the Rural Development Zone. Provided the property is a min. of ten (10) acres and all buffering & conditions stated above. Systems must be in place to prevent odor.

Currently only the retail and micro cultivator license types under Cannabis Establishments the Town of Killingly is capped at one (1) of each license type. (1 – 25,000 residents allow for one (1) of each type per the State of Connecticut and current State law for the municipality). There is currently no cap on other license types that are also considered Cannabis Establishments under the law in each municipality. There is pending legislation that proposes eliminating the cap or changing the ratio of number of residents per license type issued.

Upon passage of this text amendment, Section 640 – Temporary and Limited Moratorium on Cannabis Establishments, will be lifted and removed from the Town of Killingly and Borough of Danielson Zoning Regulations.

Agenda Item #xxx

Text in red is a modification to the existing policy. Any ~~crossed-out~~ words are to be removed.

AGENDA ITEM COVER SHEET

ITEM: Consideration and action on revisions to the Policy for the Sale of Town-Owned Property

ITEM SUBMITTED BY: Mary Calorio, Town Manager

FOR COUNCIL MEETING OF: Month, Day, 2022

TOWN MANAGER APPROVAL: _____

ITEM SUMMARY: This item proposes the revision to the sale of Town-Owned policy. The revision is to outline what Town-Owned properties should be eligible for sale; partially land acquired as part of Subdivision, Tax Sale. Including provisions for land with conveyances such as Open Space, Conservation, or Recreational Use. The Ordinance Sub-Committee of the Town Council voted to forward the proposed policy to the Town Council at their meeting of Month, Day, 2022. This policy change was respectfully submitted by the Town of Killingly Planning & Development Commission and Conservation Commission with their support.

FINANCIAL SUMMARY: N/A

STAFF RECOMMENDATION: Approval of the Resolution

TOWN ATTORNEY REVIEW: N/A

COUNCIL ACTION DESIRED: Action on the Resolution

SUPPORTING MATERIALS: Resolution

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**RESOLUTION TO ADOPT MODIFY THE POLICY FOR
THE SALE OF TOWN-OWNED PROPERTY**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following policy shall be used for the sale of Town-owned property:

- A. The sale of Town-owned property shall be finalized in accordance with Section 1008 of the Killingly Town Charter.
- B. The general procedures to publicly offer a Town-owned property for sale should be initiated with a Town Council resolution, either upon a written request or on its own, that specifies the Town-owned property to be sold.
- C. ~~Prior to conducting a Town Council approved sale, the Planning and Zoning Commission shall be notified of and approve the proposed sale in accordance with Connecticut General Statutes, Section 8-24. Town Department Heads and appropriate boards and commissions shall also be notified of the proposed sale to determine if there are any internal concerns or constraints to the sale. (This wording is now found under current letter E below)~~
- D. Real Estate Acquired and Maintained by the Town for the Purposes of, and/or Designated as Open Space, Conservation or Recreation. Whether such real estate was acquired by the Town through purchase, gift, subdivision approval process, or any other means said real estate should not be sold by the Town in part or entirely. Properties meeting these designations may be considered for sale after the following reviews: In addition to Planning & Zoning Commission 8-24 review, if the Land was reserved for Open Space or Conservation, the Conservation Commission and Open Land Space Acquisition Commission need to agree with the sale. If the land was reserved for Recreational Use, the Board of Recreation need to agree with the sale. Any sold properties shall maintain the restrictions of Open Space and Conservation, held by the Town of Killingly.
- E. Real Estate Acquired by the Town from Tax Sale or through other means and said Real Estate was NOT Acquired for Open Space, Conservation or Recreation. Provided said real estate was NOT acquired for Open Space, Conservation or Recreation purposes, the Town may offer for sale said real estate upon a positive finding of the Planning Zoning Commission (PZC) as outlined in Connecticut General Statutes Section 8-24. The PZC may request the input of the Conservation Commission and the Board of Recreation, through the Directors of each Department that staffs said Commissions, prior to submitting their findings to the Town Council. When the Town Council notifies the PZC, it shall also notify all Town Department Heads of the proposed sale, to determine if there are any internal concerns or constraints with the proposed sale.
- F. One of the following methods shall be used to conduct the sale:

Agenda Item #xxx

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1. By soliciting public bids for the sale of the property. Public notice of the bid procedure shall be provided by posting a notice in Town Hall a minimum of 14 days prior to the date for opening of bids and by publishing of a notice in a newspaper of local circulation for a minimum of 14 days prior to the date for opening of bids. The notice shall describe the time, date and place for publically opening the bids and all bid terms.
2. By conducting a limited public sale among parties who directly abut the property. This limited method of sale should be primarily used to address public concerns which may be harmed if the property were made available for sale to all members of the public. By way of example only, harm to public concerns could include: where a lot does not conform to present minimum lot size standards and where this situation could be addressed by requiring merger with the abutting property(ies); where a Town-owned lot has no road frontage or other means of access; or, where soils on an abutting lot are too poor for on-site septage disposal. All abutters to any Town-owned lot to be offered for sale shall be invited to bid and shall be provided notice of the bid invitation at least 14 days prior to the date for opening of bids. The notice to abutters shall describe the time, date, and place of the opening of bids and the bid terms. Bids may be accepted from more than one abutter and each abutter submitting a bid may be permitted to purchase only a portion of the property, provided this property is merged with the bidders' property.

G. The Town Manager shall open all bids received and shall ensure the bidder submitting the highest bid has the ability to satisfy all bid conditions within 60 calendar days. When the ability to satisfy all bid conditions has been confirmed, the Town Manager shall submit to the Town Council an ordinance to authorize the sale of the property in accordance with Section 1008 of the Town Charter.

H. The Town Council shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.

I. These general procedures shall not be applied to the sale of Town-owned property for economic development purposes where such a sale may be by negotiated settlement.

J. A quit claim deed shall be issued to convey title to any property which is disposed of by public sealed bid auction.

KILLINGLY TOWN COUNCIL

Jason Anderson
Chairman

Agenda Item #xxx

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Dated at Killingly, Connecticut
this XX day of XXX, 2022